

## Status of Accessory Dwelling Units (ADUs) in San Jose

(1) Current zoning code provides for requirements to construct both detached and attached secondary units.

(2) City Council has prioritized the analysis of current “secondary unit” requirements under existing MUNI code. It is anticipated that Council will vote on amendments to current code in June 2016.

(3) Two bills are being proposed at the state level:

AB 2299

AB 1069

(4) How would AB 2299 impact current San Jose MUNI code?

AB 2299 requires a City to enact requirements/guidelines on the construction of secondary units. San Jose is already in compliance because of existing requirements under the San Jose zoning ordinance for secondary units. Additionally, AB 2299 prohibits certain requirements such as the requirement that a passageway or pathway exist between a 2<sup>nd</sup> unit and public street and not allowing a City to provide an opportunity for a finding that would allow additional parking above and beyond what is mandated by the City. AB 2299 would also provide guidance on parking regulations, but does not require a City to adopt the parking regulations provided in the state bill.

(5) How could AB 1069 potentially impact current San Jose MUNI code?

AB 1069 would provide San Jose with additional guidelines to ease the burden of the construction of ADUs. Generally, AB 1069 changes the term “secondary units” to “accessory dwelling units” and eases barriers to the construction of ADUs.

- Exceptions to parking requirements when ADU is located w/in ½ mile of transit
- Requiring ministerial approval for remodeling of existing structures to an ADU
- Eliminating duplicative construction requirements (new utility, water, and sewer hook-ups)
- Eliminating fire sprinkler requirements when not required in original dwelling unit
- Increasing maximum size of ADU (up to 50% of existing living area)
- Reducing maximum permitting guidelines from 120 days to 90 days.